IV.—GOVERNMENT BILLS—*cont.*

(2) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) AMENDMENT BILL, 1961 (L.A. BILL NO. 51 OF 1961).

THE HON. SRI V. RAMAIAH : Mr. Deputy Speaker, I move—

"That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1961 (L.A. Bill No. 51 of 1961) be taken into consideration."

Hon. Members are aware that certain new provisions were introduced in Section 30 of the Madras Buildings (Lease and Rent Control) Act, 1960, providing for exemption of the following categories of buildings :—

(i) Buildings, the construction of which has been completed and notified to the local authorities concerned after the date of the commencement of the Act;

(ii) Residential Buildings, the rental value of which, as entered in the property-tax assessment book of the municipal council, district board, etc., exceeds two hundred and fifty rupees per mensem ; and

(iii) non-residential buildings, the rental value of which as entered in the property-tax assessment book of the municipal council, district board, etc., exceeds four hundred rupees per mensem.

The above provisions were introduced with a view to have the way for a gradual decontrol of the restrictions imposed on the letting of residential and non-residential buildings under the new Act. It was hoped that the landlords would co-operate in this direction with the Government. But, the experience which the Government have gained after working the provisions in Section 30 of the Act for as short a period as a year has belied this hope. The Government find that the landlords have taken undue advantage of the provisions in clauses (ii) and (iii) of Section 30. The Government also find that the landlords are demanding exorbitant rents from the tenants and are threatening them with eviction in case such demands are not conceded. Several landlords have also filed ejectment suits against tenants taking advantage of clauses (ii) and (iii) of section 30 with a view to get higher and exorbitant rents from the tenants. Numerous representations have been received by the Government praying for relief to the tenants who are threatened by such proceedings and particularly those tenants occupying portions of big buildings which are exempt from the provisions of the Act by virtue of clauses (ii) and (iii) of section 30.

Sir, the Government have examined the entire position and they consider that to set matters right and to remove the hardships caused to the tenants, the exemptions provided in clauses (ii) and (iii) of Section 30 should be withdrawn. At the same time, the Government also consider that as an inducement to prospective builders of new houses, it is necessary to retain the exemption in respect of the new buildings, the construction of which has been

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completed and notified to the local authority concerned, after the commencement of Madras Act XVIII of 1960. With the above objects in view, section 30 of the Act has been suitably recast.

I hope that in the above circumstances the House will accept the Bill.

DEPUTY SPEAKER : Motion moved—

"That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1961 (L.A. Bill No. 51 of 1961) be taken into consideration."

* SRI V. K. RAMASWAMY MUDALIYAR : Sir, I move the following amendment standing in my name :—

"That the Madras Buildings (Lease and Rent Control Amendment Bill, 1961 (L.A. Bill No. 51 of 1961) be referred to a Select Committee consisting of the following Members of the Assembly :—

1. The Hon. Sri V. Ramaiah.
2. The Hon. M. Bhaktavatsalam.
3. The Hon. Sri C. Subramaniam.
4. Srimathi T. N. Anandanayaki.
5. Sri D. S. Authimoolam.
6. Sri K. S. G. Haja Sheriff.
7. Sri M. Jagannathan.
8. Sri P. G. Karuthiruman.
9. Sri P. M. Munuswamy Gounder.
10. Sri S. Pakkirisami Pillai.
11. Sri N. K. Palanisami.
12. Sri P. Ramachandran.
13. Sri C. R. Ramaswamy.
14. Sri V. K. Ramaswamy Mudaliyar.
15. Sri T. Sampath.
16. Sri S. Sangili.
17. Srimathi Sathiavanimuthu.
18. Sri K. Vinayakam.

Sir, my object in moving this amendment is this. The previous Select Committee which was appointed to consider the Rent Control Bill had gone into the whole question in great detail. Representations had also been heard by the Committee. Some of the reasons given in the Statement of Objects and Reasons are not very convincing. Still, I agree with the Government that there should not be any rackrenting. At the same time, I wish to add that the interests of the landlords should also be protected. I can quote many instances where the tenants are richer than the landlords. There are tenants who are big businessmen, and there are

some widows and middle class people who are the owners of houses. These poor house-holders should not be harassed. The cost of maintenance of the buildings is going up every day. All these aspects should be taken into consideration.

Therefore, I would request the Government to accept my amendment and it is better that the Select Committee consisting of the hon. Members who have already served in that Select Committee should go into the whole matter in detail before the Bill is passed by the Assembly. That is all my submission.

SRI K. ANBAZHAGAN : I second the amendment.

DEPUTY SPEAKER : The motion and the amendment are before the House for discussion.

• SRI R. SRINIVASA IYER : Mr. Deputy Speaker, Sir, the amending Bill brought forward by the Government is long overdue. From the list of names of hon. Members of the proposed Select Committee read out by the hon. Member, Sri Ramaswamy Mudaliyar, I presume that the Government are willing to refer the Bill to a Select Committee. If at all the Select Committee has got to be constituted and it is constituted, I suggest that this House may kindly fix a date, say, before the 15th of this month, for the submission of the report of the Select Committee and the passing of the Bill.

Sir, the original Act which was there for several years had been amended and consolidated in 1960 and exemptions were granted to buildings with rental value of more than Rs. 250. But this has been misinterpreted or misapplied by landlord in whose houses there were a number of tenants paying at the rate of more than Rs. 25 or Rs. 30 the total rent payable by all being above Rs. 250 and some of them have been evicted. I was one of those who presented a Bill to amend the Buildings (Lease and Rent Control) Act, 1960 and the hon. Memeber, Srimathi Anandanayaki, was another. Also representations have been made to the Hon. Minister concerned that some persons have already been evicted. Proceedings are pending in the court on the ground that the Act does not apply because only the total rental value of the building, as entered in the municipal register, is to be taken into consideration for the purpose of exemption under Act 18 of 1960. This has worked out a very great hardship on all sorts of tenants, officials including Non-Gazetted Officers and Non-officials. Therefore, if the report of the Select Committee—if it is constituted,—is not received early enough and the bill passed into law before life of the Assembly lapses, then for five or six months more, the new amending Act will not come into force and the innumerable suffering tenants will not be protected. Now the Government themselves have moved this Bill and it is a welcome Bill giving relief to a large number of tenants, as against a few landlords who may oppose it. But we will have to be conscious of the fact that the housing problem not only in the Madras City but also in the

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mofussil has not been solved. It cannot be solved because the heary cost of materials, non-availabilty of cement and other things stand in the way of the construction of houses. No doubt new houses have been exempted. But what about old houses, the total rental value of which is above Rs. 250 of Rs. 400 whether it is a residential or a non-residential buildings as the case may be, and there are number of tenants living under separate tenancy agreements? Houses are being built. Multi-storeyed houses and self-contained flats are being built. If this amending Bill is to be delayed, the remaining tenants also would be evicted. Even in this amending Bill only pending proceedings are abated and only decrees not fully executed are cancelled. Is the Rent Controller going to adjourn the pending cases for several months because this Bill has been introduced? There is no such guarantee. If the Select Committee is constituted and the Assembly is not in session, perhaps no Ordinance could be passed. Therefore, the hardships of tenants who are on the threshold of eviction, has got to be considered and suitable steps taken.

Now I would like to mention one other matter. Landlords have been coming forward with the demand for the total exemption of all their buildings from the provisions of the Act. Not only that. The new provision relating to the fixation of rental value is being worked out to result in hardship to the tenants. According to that, the capital value to be computed under the rules framed under the Act is to be taken into consideration and the rental value is sought to be increased from 4 to 10 times the rent which was paid in 1960. So I would suggest that the Select Committee would kindly consider suitable amendments to this Bill so that the hardships caused to tenants may be alleviated. At the same time no hardship should be caused to the landlords because they have invested money and that is why very properly the Government have exempted the buildings, the construction of which was completed after the publication of Act 18 of 1960. Therefore, I request that the Select Committee may kindly report before the 15th of this month. It will not take much time. It is only a question of amending one Section, Section 30 and the Committee may kindly sit even overnight and finalise this Bill. With these words, I support the amending Bill and also the Motion before the House, with the plea that the Bill may be passed as quickly as possible.

THE HON. SRI C. SUBRAMANIAM : Mr. Deputy Speaker, Sir, on behalf of the Government, I would like to clarify the position. Only after deep consideration, this amending Bill has been brought before this House. But I do not realise that the Original Act of 1960 was fully considered by the Select Committee and on the basis of some agreement, we arrived at the compromise formula which had been incorporated in Section 30, particularly subclauses 2 and 3. But that has led to various difficulties. Therefore an amendment is necessary, as has been pointed out by hon. Member, Sri R. Srinivasa Iyer, particularly with reference to the

smaller tenants who are living as sub-tenants in a bigger house. But at the same time the Government feel that the point of view which has been expressed by the leader of the Opposition Party will have to be taken into consideration. That is why the Government are inclined to accept the proposal to refer this Bill to a Select Committee. But I am afraid that even if this Bill is considered by the Select Committee, it will not be possible to present it before this House because this House will conclude its sitting on the 15th instant. Therefore I would make a submission that on the basis of decisions reached in the Select Committee, the Government should issue an Ordinance so that the difficulties pointed out by the hon. Member Sri R. Srinivasa Iyer, could be effectively checked and that is the only possilble solution now. Particularly on the eve of elections, we do not issue Ordinances but in the case the Select Committee will have the advantage of scrutinising the provisions of the Bill and on the basis of the conclusions reached in the Select Committee, I hope the House will not have any objection for the issuing of the Ordinance by the Government at the proper stage. Sir, subject to this, the Government would accept the motion moved by the hon. Member, Sri V. K. Ramaswamy Mudaliyar.

10-00 a.m.

SRI M. S. SELVARAJAN: சார், புதிய கட்டடங்களுக்கு விலக்கு அளிக்கும் நேரத்தில், சிலர் பழைய கட்டடங்களை வேண்டுமென்றே டெமாலிஷ் செய்து, அழித்து விட்டு, அதிலே புதிய கட்டடம் கட்டுவது என்று செய்யப் புகுவதால், டெனண்டுகளை வெளியேற்றும் அபாயம் இருக்கிறது. அத்தகைய காரியங்களுக்கும் பரிகாரம் காண வேண்டும். அதையும் செலக்ட் கமிட்டி பரிசீலிக்க வேண்டும்.

எதிர்க் கட்சித் தலைவர் இந்த மசோதாவை ஒரு செலக்ட் கமிட்டிக்கு அனுப்ப வேண்டும் என்று கூறியபோது, கட்டடத்தில் குடியிருப்பவர்கள் போல கட்டட சொந்தக்காரர்களிலும் ஏழைகள் பலர் இருக்கிறார்கள் என்று சொன்னார்கள். குடியிருப்பவர்களுக்கு பாதுகாப்பு அளிக்க வேண்டும் என்று இந்த மசோதா கொண்டு வரப்பட்டிருக்கிறது.

கனம் நிதி அமைச்சர் அவர்கள் விளக்கம் கூறியதற்குப் பிறகு, செலக்ட் கமிட்டியே பரிசீலித்த பிறகு, நூற்றுக் கணக்கான பேர்கள் வெளியேற்றப்படுவதைத் தடுக்க, ஆர்டினன்ஸ் அவசியம் என்று சொல்லிக்கொண்டு முடிக்கிறேன்.

THE HON. SRI V. RAMAIAH: ஸார், அரசாங்கத்தின் நிலைமையை கனம் நிதி அமைச்சர் விளக்கிய பிறகு விவாதத்திற்கு அவசியமில்லை. இருந்தாலும், கனம் செல்வராஜ் அவர்கள் சொன்னதற்குப் பதில் சொல்ல வேண்டும். அவர்கள் சொன்னார்கள், இருக்கக்கூடிய டெனண்டுகளை வெளியேற்ற என்றே கட்டடத்தை இடிக்கிறார்கள் என்று. அவர்களுக்குச் சொல்ல விரும்புகிறேன், கட்டடத்தை இடித்துக் கட்டுவது என்பது அவ்வளவு

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சாதாரணமான காரியம் இல்லே. உண்மை, அவர்கள் தங்களுக்கு இருக்கும் பல வசதிகளேயும் கொண்டு டெனண்டுகளே வெளியேற்ற முடியும் என்ருலும், கட்டடத்தைப் புதுப்பிக்க வேண்டுமென்ருல், அதற்கு வேண்டிய தகுதிகள் இருந்தால்தான் எக்ஸம்ஷன் கொடுக்கிரும். நினேத்த உடனே இடிக்க முடியாது. என்னுடைய நாலரை வருஷ அனுபவத்தில், கட்டடத்தை இடிக்க வேண்டுமென்று சொல்லும்போது, அதற்குத் தக்க அத்தாட்சிகள் எஞ்ஜினியர்கள் கொடுத்தால்தான் எக்ஸம்ஷன் கொடுக்கிரும். நடைமுறையில் இருக்கும் சட்டத்தில், அப்படி டெனண்டுகளே வெளியேற்றினுலும், கட்டடத்தை இடித்துக் கட்டினுலும், அதைக் கட்டியபிறகு, அது கண்ட்ரோலில் வர வேண்டும் என்று இருக்கிறது. ஆகவே கனம் செல்வராஜ் சொன்னதுபோல் பயத்திற்கோ பீதிக்கோ இடம் இல்லே.

மற்ற பிரச்சினைகளுக்கு கனம் நிதி அமைச்சர் பதில் சொல்லி விட்டார்கள்.

DEPUTY SPEAKER: The question is—

"That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1961 (L.A. Bill No. 51 of 1961) be referred to a Select Committee consisting of:

The Hon. Sri V. Ramaiah.
The Hon. Sri C. Subramaniam.
The Hon. Sri M. Bhaktavatsalam.
Srimathi T. N. Anandanayaki.
Sri D. S. Authimoolam.
Sri M. Jagannathan.
Sri K. S. Haja Sheriff.
Sri P. G. Karuthiruman.
Sri P. M. Muniswami Gounder.
Sri S. Pakkirisami Pillai.
Sri N. K. Palanisami.
Sri P. Ramachandran.
Sri C. R. Ramaswami.
Sri V. K. Ramaswami Mudaliyar.
Sri T. Sampath.
Sri S. Sangili.
Srimathi Satyavanimuthu.
Sri K. Vinayakam."

The amendment was put and carried.

DEPUTY SPEAKER: Under Rule 99 (1) of the Assembly Rules, I nominate the Hon. Sri V. Ramaiah to be the Chairman of the Select Committee.